IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.391 OF 2005

Lyka Labs & Asociate Companies
Employees Union. ...Petitioner.

Vs.

Lyka Labs Limited & Ors. ...Respondents.

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Mr.M.D.Nagle for the Petitioner.

Mr.Rahul Narlekar for Respondent Nos.1 and 2.

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CORAM : DR.D.Y.CHANDRACHUD, J.

February 11, 2005.

P.C. :

The Petition is directed against an interlocutory order and the interference of this Court is not warranted under Article 226 of the Constitution. However, on an assessment of the matter, confined only to the question of interim relief, the following reasons would, in my view, be sufficient:

A perusal of paragraph 3(D) of the Complaint would show that the bus facility that was

being demanded was from the nearest Railway Station to the place of transfer. It may be noted that the Distribution Department has been transferred from Andheri to Kalher near Bhiwandi. Then in paragraph 3(I) of the Complaint, what was sought was the Bus facility from Thane Railway Station to Kalher, in addition to railway fare. In prayer (C) of the Complaint, similarly the bus service was sought from Thane Railway Station to Kalher and in the alternative, it was sought from Borivli Railway Station to Kalher. In these circumstances, the Industrial Court in paragraph 15 of its order in review, dated 4th January 2005, observed that the main prayer was for providing bus facility from Thane Railway Station to Kalher. The earlier order dated 13th December 2004 has, to that extent, been justifiably modified in review, in that, in so far as the bus facility is concerned, it has been directed to be provided from Thane Railway Station to Kalher. In so far as the railway fare was concerned, in the earlier order dated 13th December 2004, it has been stated in paragraph 13 that there was a stray or solitary instance of providing railway fare and that this was not a condition of service. These are only prima facie observations confined to the disposal of the application for interim relief. There is no merit in the Petition

which is accordingly dismissed.

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